

REMARKS

Favorable reconsideration is respectfully submitted in view of the foregoing amendments and the following remarks. Applicants sincerely thank the Examiner for contacting Applicants' representatives before issuance of this Office Action in order to expedite allowance.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-28, 34 and 36-42 were pending in this application when last examined.

Claims 1, 4-6, 12-18 and 28 were examined on the merits and rejected.

Claims 2, 3, 7-11, 19-27, 34 and 36-42 were withdrawn as non-elected subject matter.

Claims 2, 3, 7-11, 19-27 and 38-42 are canceled. Claims 29-33 and 35 were previously canceled.

Applicants respectfully request the Examiner to rejoin claims 34, 36 and 37 when the claims under examination on the merits are found allowable, per MPEP 821.04 (b).

Claim 1 is amended to delete non-elected subject matter. Claims 1, 4-6, 12-18 and 28 are amended to delete the terms "prodrug" and "solvate" in order to expedite allowance. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

No new matter has been added.

II. WITHDRAWN SUBJECT MATTER

In item 1 on page 2 of the Office Action, the Office indicated that claims 1, 12-13 and 28 recite non-elected subject matter. Such subject matter is removed from the amended claims.

III. ENABLEMENT REJECTIONS

In item 1 on page 2 of the Office Action, the Office indicated that claims 1, 12-13 and 28 recite non-elected subject matter. Such subject matter is removed in the claims as amended.

On pages 3-5 of the Office Action, claims 1, 4-6, 12-18 and 28 were rejected under 35

U.S.C. 112, first paragraph, because the specification, while being enabling for making salts of the claimed compounds, does not reasonably provide enablement for making solvates and hydrates of the claimed compound. Further, in item 4 on pages 5-7, claims 1, 4-6, 12-18 and 28 were rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for making salts of the claimed compounds, does not reasonably provide enablement for making prodrugs of the claimed compounds.

The terms "prodrug" and "solvate" have been deleted from the claims. Applicants therefore respectfully suggest these rejections, as applied to the amended claims, are untenable and should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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